

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: G. King

Serial No.: 09/496,549

For: Method and System for Handling
Telecommunications Data Traffic

Filed: February 2, 2000

Group: 2662

Examiner: A. Qureshi

Att'y Dkt.: 1996 P 07613 US 04

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U.S. PATENT AND TRADEMARK OFFICE
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Sir:

The applicant/appellant respectfully requests a rehearing on the grounds that the decision on appeal does not take into account the use of "termination unit" as understood by those skilled in the art as mandated by In re Cortright, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999).

The decision on appeal states that no definition was provided for "termination unit." It also states that the "appellant has not directed our attention to evidence that the term 'termination unit' has a special meaning to persons skilled in the art." Page 3. However, line termination does indeed have a specific meaning to those skilled in the art and is central to this application.

At nearly the beginning of the specification, the concept of line termination is introduced:

Lines 4 (such as twisted-pairs of the loop transmission facility 608 for example) carrying analog signals (such as signals from telephones or modems for example) are terminated at a subscriber line interface circuit (or "SLIC") (not shown) of an analog subscriber line module (not shown) of a digital line unit 2, 6. Digital signals (such as signals from an ISDN terminal) are terminated at analog and digital subscriber line interface circuits (not shown) in the digital line units 2, 6.

Specification, page 2, lines 9-18. That line termination is well-known in the telecommunications art is further evidenced by numerous technical references,

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glossaries, and sources on Internet websites that define and discuss the concept. One such work, Newton's Telecom Dictionary, provides the following definitions for line termination:

1) Defines the local loop at the telephony company side of a digital connection - DSL or ISDN. The classic line termination devices is the NT1 at the user side of the interface.

2) A Verizon definition. Equipment that terminates a BRI or Centrex BRI digital subscriber line on the network side of the network to the end user (or CLEC) interface. Alternatively, electronics at the ISDN network side of the user-network interface that complement the electronics equipment.

The Commissioner for Patents may take official notice that line termination is well-known in the telecommunications art. M.P.E.P. § 2144.03. To do otherwise would be contrary to the requirement that such terms be given the meaning accorded by those skilled in the art.

Returning to the application, the specification and drawings identify physical embodiments of the termination unit including a basic rate interface, a remote line termination unit, a remote data terminal, and a subscriber line interface circuit (see, e.g., the basic rate interface 410a, p. 16, lines 18-22, and Figure 4; the remote line termination unit 508, p. 19, lines 27-37, and Figure 5).

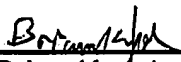
Moreover, termination of a line should be distinguished from the act of separating analog and digital signals -- the function performed by McHale's splitter 50. In McHale, the termination function occurs after the splitter 50 at the communications server 58. Additionally, this server 58 does not "communicate" with the switch 56 (independent claims 32 and 38), yet another distinction rendering the claims novel and not obvious in view of this reference.

Finally, there need not be any concern that the claims may inadvertently read on existing technology, as the appellant again affirms that the claims cannot read on a splitter, and, thus, on this record, the claims are not of improper scope. See In re Yamamoto, 740 F.2d 1569, 222 U.S.P.Q. 934 (Fed. Cir. 1984).

In view of In re Cortright, supra, and the foregoing, the applicant respectfully requests reconsideration of the decision on appeal and reversal of the examiner.

Dated: March 24, 2005

Respectfully submitted,



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➤ Request for Rehearing - 2 pp

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